

Free Will Advice

Lasting Power of Attorney (LPA) Guide Checklist

Use this to prepare your thoughts before drafting your LPA.
This is not your final LPA - just a planning tool.

LPA PREPARATION CHECKLIST

- ☐ Read the full guide before filling the form to avoid errors
- ☐ Ensure you have mental capacity to make the LPA
- ☐ Decide if you need legal advice (optional)

CHOOSE WHICH LPA(S) YOU NEED

- ☐ LP1F – Property & Financial Affairs
- ☐ LP1H – Health & Welfare

UNDERSTANDING MENTAL CAPACITY

- ☐ Confirm donor can understand, retain, weigh, and communicate decisions
- ☐ Seek professional assessment if unsure (GP, psychiatrist, etc.)
- ☐ Follow the Mental Capacity Act 2005 principles

DONOR DETAILS

- ☐ Enter full name(s), address, and any other names used
- ☐ Donor must be 18+ and have mental capacity
- ☐ You may get help filling the form, but only the donor can make the decisions

ATTORNEYS

- ☐ List full names, addresses, and DOBs of chosen attorneys
- ☐ Ensure all attorneys agree to act before naming them
- ☐ You may appoint:
 - Family members, friends, or professionals
 - A trust corporation (for LP1F only)
- ☐ Verify attorneys are 18+, have capacity, and are not bankrupt (for LP1F)
- ☐ Attorneys must follow 5 legal principles (best interest, least restriction, etc.)

ATTORNEY RESTRICTIONS & REPLACEMENTS

- ☐ An attorney stops acting if they lose capacity, go bankrupt (LP1F), or die
- ☐ Appoint replacement attorneys to avoid LPA failure

PROPERTY & FINANCIAL AFFAIRS (LP1F)

- ☐ Decide when attorneys can act:
 - As soon as registered, or
 - Only when you lose capacity
- ☐ Include payment instructions if appointing a professional attorney

Note: attorneys cannot make health or welfare decisions

HEALTH & WELFARE (LP1H)

- ☐ Attorneys act only when you lose capacity
- ☐ Decide who makes life-sustaining treatment decisions:
 - Option A – Attorneys
 - Option B – Doctors
- ☐ Sign and witness this section correctly (witness must be 18+, not an attorney)

INSTRUCTIONS & PREFERENCES

- ☐ Write clear and lawful preferences (use “would like” or “may”)
- ☐ Avoid invalid instructions such as:
 - Illegal actions (euthanasia, assisted suicide)
 - Acting in others’ best interests
 - Telling attorneys to change your will
 - Mixing property/financial with health/welfare instructions
 - Complex gifts (trust funds, loans, etc.) require Court of Protection approval

FINAL STEPS

- ☐ Complete all relevant sections
- ☐ Ensure signatures and witness details are correct
- ☐ Pay registration fee to Office of the Public Guardian (OPG)
- ☐ Keep a copy and send the original to OPG for registration

